

## REMARKS

Claims 1-14 are pending and stand rejected. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 1-14 were rejected under 35 U.S.C. § 102(e) as anticipated by Treuer. The Examiner states that Treuer discloses, "... A data generator for producing test data associated with data backgrounds of the address bits by utilizing the address values to generate data values ..." Applicant respectfully disagrees.

Applicant's independent Claim 1 recites, *inter alia*, "... a data generator for producing test data based on data backgrounds associated with the address bits and a non-address bit, ..." Applicant employs address data backgrounds in combination with a non-address bit to further supplement the creation of data backgrounds for the generation of test data which provides beneficially more random and analytical test data.

Applicant has incorporated by reference U.S. Patent No. 5,706,293, issued to Kim, et al, (Kim I) entitled *Method of testing single-order address memory*, wherein address data backgrounds are disclosed. The Kim I patent specification states, "Address Data Background (ADB) is defined as a union of all the data that two random cells having mutually different addresses can have." Applicant's specification states, "The ADB is defined as available combinations of all the data that may be assigned to two memory cells having different addresses." In addition to employing address data backgrounds, Applicant's controller may invert the test data.

Treuer does not employ data backgrounds in generating test data but derives test data exclusively from the actual address information which may be modified by way of Test Mode Controller commands with the USE-ADDR, ODD, EVEN and POLARITY

signals. Thus, Treuer does not disclose the use of data backgrounds in their test data generation, essentially as claimed in Claim 1 of the present application.

Applicant's independent Claim 11 recites, *inter alia*, “... producing test data based on data backgrounds associated with the address bits and a non-address bit; ...” As stated above, Treuer does not disclose the use of data backgrounds in their test data generation, essentially as claimed in Claim 11 of the present application.

Since Applicant's claims 2-10 and 12-14 are dependent from claims 1 and 11 respectively, they are also not anticipated by Treuer.

#### **Claim Rejections under 35 U.S.C. § 112**

The Examiner has rejected Claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner notes, ‘independent claims 1 and 11, as amended, recite the limitation “producing test data based on data backgrounds associated with address bits and non-address”, which renders the claim indefinite, because the terms “based” and “associated” do not clearly define the relationship of producing test data using data backgrounds with address bits.’

Applicant respectfully points out that the term “based” refers to the relationship between the test data and their sources, the data backgrounds. Applicant derives the test data from data backgrounds which may be used in the form as generated, or in an inverted form.

Furthermore, the term “associated” refers to the relationship between data backgrounds and their sources, address bits and a non-address bit. Applicant employs address bits and a non-address bit to generate data backgrounds. The address bits, used

alone, may be used to generate address data backgrounds, but with the addition of a non-address bit, more complex data backgrounds are generated.

Accordingly, it is believed that claims 1-14 satisfy the requirements under 35 U.S.C. § 112. Withdrawal of the rejection is respectfully requested.

**Double Patenting Rejection**

The Examiner has rejected Claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,769,084 by Kim et al. (Kim II). Applicant will consider the filing of a terminal disclaimer to obviate the rejection upon indication of allowable subject matter in the application.

Early and favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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